

## ***PRIVATE LAND PUBLIC WILDLIFE ADVISORY COUNCIL***

### **PRELIMINARY GOALS AND OPTIONS**

**March 2014**

**Goal: Maximize access to public lands while respecting and understanding private property rights.**

**Options:**

1. *Inventory easement, rights-of-way, and fee title opportunities across Montana to determine purchase options.* Part of this option should involve coordination among agencies such as the Department of Natural Resources & Conservation (DNRC), U.S. Bureau of Land Management (BLM), and U.S. Forest Service (USFS), as well as non-governmental organizations (NGOs) such as the Rocky Mountain Elk Foundation.
2. *Purchase access to public lands through easements, rights-of-way, or fee title acquisitions from willing landowners.* The Council discussed the importance of keeping these tools (and others that go beyond payments) on the table. Long-term, perpetual easements would be the Council's preference, though they deliberated the merits of short-term versus long-term easements. The Council discussed the fact that revenue from other programs is already earmarked to make these types of purchases (and programs such as Unlocking State Lands already exist), so a better option might be to assist with and/or provide additional resources to existing programs.
3. *Avoid roads, as the issue of public versus private roads is a challenging legal topic.*
4. *Trade grazing rights for access on a year-by-year basis.* The Council specified that due to legal issues, NGOs would have to fund this option.
5. *Set up regional access working groups with landowners, sportsmen, NGOs, and state and federal agencies.* These types of groups would be an ideal venue to form partnerships, leverage resources, and build support for access.
6. *Address liability issues, perhaps by improving on the existing statutory framework, as the existing protections are not satisfactory to many landowners.* The Council discussed why liability is currently somewhat of a "deal breaker" to opening access, so addressing this issue should be a priority.
7. *Mark property boundaries, which could occur through survey work, improvements to signage, and identification of entrances/exits.*
8. *Recognize that land trades are still a viable tool in the toolbox.* The Council discussed why land trades make sense in some cases, and should not be overlooked.

**Goal: Understand and respect all parties' values and improve communication among outfitters, landowners, hunters, and Fish, Wildlife & Parks.**

**Options:**

1. *Market, advertise, and more strategically communicate the value and availability of access options to landowners.* Part of this would be to involve members of the broader community, including stockgrowers, woolgrowers, and others, in the communications.
2. *Support and encourage collaborative resource management groups.*
3. *Rebrand hunter/landowner relationships.* The Council discussed the disconnect between the perceived acrimony among hunter and landowners, and the testimonies they have heard from others refutes the perception that hunter/landowner relations are acrimonious.
4. *Support volunteer work projects, where hunters would help out landowners.* This topic is more complex than it may seem, as some Council members pointed out that this option would only be viable if current liability issues were resolved. In lieu of resolving the FWP liability issues, NGOs such as the Rocky Mountain Elk Foundation could provide liability relief if they sponsored the projects, and FWP could be more proactive in distributing and managing liability release forms to potential volunteers.

**Goal: Increase public access to private property owned by traditional and non-traditional landowners by addressing their needs and building relationships.**

**Options:**

1. *Broaden HB 454 Hunting Access Agreements and give FWP the authority to negotiate for additional access.* As part of this process, the Fish & Wildlife Commission would be tasked with vetting each proposal. Within this option, tools available to landowners might include flexibility outside of and within the traditional five-week hunting season (including late season hunts, though they will draw the ire of sportsmen). The Council deliberated this option at length, noting that not everyone will get everything they want with this type of solution, yet the tough issues need to be addressed in order for more access to open up.

**Goal: Make the Block Management Program easier to use for all parties (hunters, landowners, and FWP).**

**Options:**

1. *Move forward with web-based enhancements to the BMP website. However, before trying to implement a web-based reservation system, survey landowners to get a sense of their preferences and opinions.* Part of this option would be to attend stockgrower meetings and other venues in order to gain the most input. The merits of a web-based reservation system has been a central Council discussion theme over the past few meetings. One of the primary concerns is whether or not a web-based system would eliminate all face-to-face contact, thereby eroding hunter/landowner relations. To address this concern, one

member proposed that the requirement to meet the landowner in-person could be included in “rules” landowners use to regulate the access on their property.

2. *Enhance BMP maps with fence lines and other landmarks that are available via GPS.* Part of this option would involve coordination with the BLM and other agencies. Some of the data is already publically available – for example, through Google Earth and – and could be promoted, yet there are generational challenges associated with trying to promote technology like Google Earth maps and GIS overlays.
3. *Develop a BMP smartphone app.*
4. *Maintain sign-in boxes and signs, which would require more boots on the ground.*
5. *Promote regional consistency, both through boots on the ground and the options that are available to landowners.* First, the Council discussed how procedures and rules that differentiate Type I from Type II Block Management Areas are sometimes missed by hunters, either because the maps with rules are not stocked at the sign-in area or because of a lack of uniformity in how the hunter obtains the permission slip. However, some members pointed out that these issues go back to hunter responsibilities, and are not necessarily the Department’s error. The Council also discussed how, in some regions, landowners are not aware of the options/flexibility they have as a cooperator in the BMP. For example, a landowner’s child can hunt the land above and beyond the BMP limits, but these types of options are not always clear. Sometimes FWP staff are at fault for not explaining to landowners how much control they can have as BMP cooperators (i.e., being a BMP cooperator does *not* mean allowing unregulated hunting access).
6. *Develop a mechanism to track hunters who violate rules and regulations as a way to protect landowners.* The Council discussed possible mechanisms, but was also informed by FWP staff that the Department is currently addressing this issue internally.
7. *Put flag decals on signs to prevent shooting damage.*

#### **Goal: Improve FWP credibility with landowners and hunters**

##### **Options:**

1. *Where appropriate, create more collaborative resource management groups.* The Council discussed the pros and cons of these groups, and emphasized that in order for success to occur, group members have to “play by the same rules.”
2. *Ensure that FWP leadership supports and encourages local community engagement and involvement by field staff.* The Council discussed why going beyond the typical job duties (i.e., sitting down over coffee with a landowner or helping with fencing) can make a big impact.
3. *Maximize FWP boots on the ground to increase communication, and therefore credibility.*

4. *FWP should promote a consistent, accurate message.* The strategy for implementing this option might be way of a strategic communication plan with clear goals. The Council also discussed how consistent messaging/communication would provide valuable education when controversial issues such as bison and wolf management are on the table.
5. *FWP should attend sportsmen club meetings on a consistent basis* in order to build credibility with hunters.
6. *Honor BMP cooperators at sportsmen banquets.* The Council's thought was that sportsmen – not always FWP – should be the ones recognizing landowners who allow access and form relationships with hunters.

**Goal: Improve hunter compliance and recognize good behavior.**

**Options:**

1. *Support and encourage the Hunter-Landowner Stewardship Project.* The Council has discussed this numerous times, and is in broad agreement that participation should be encouraged. Other deliberations have focused on whether or not to require the program, or if landowners could require completion of the program as a criteria for hunting on their property.
2. *Develop a program that recognizes landowners and hunters involved in access programs for leadership, innovations, and entrepreneurship.*
3. *Publicize work done by landowners, hunters and others to promote access and relationships ("good work").* FWP could actively solicit and promote this work in public forums, for example, on FWP's website. This would also be a great way to form and/or strengthen partnerships with NGOs.
4. *Encourage stronger penalties and higher prioritization of Fish and Game violations in Montana's courts of limited jurisdiction.* As part of this option, the Council would encourage the Montana Legislature to work with the judicial branch and make reasonable improvements to FWP enforcement laws for courts of limited jurisdiction. Part of this might be to support the Montana Magistrates Association, who will be pushing for trespass legislation and other issues during the 2015 Montana Legislative session.
5. *Recognize landowners who provide access but are not formally enrolled as a BMP cooperator or using other FWP access programs.* The Council suggested that recognition might come from the wardens, but then discussed how wardens are already stretched very thin, so recognition could also come from individual hunters and/or sportsmen organizations.
6. *Develop Public Service Announcements (PSAs) that recognize and publicize good hunter/landowner relations.*

7. *Develop maps for less-used FWP access programs, such as Open Fields for Game Bird Hunters, in order to improve access.*

**Other Options on the Table:**

1. *The PL/PW Council supports, and is working towards a recommendation to increase resident sportsman license fees in order to expand funding for access programs, including the Block Management Program.*
2. *The PL/PW Council supports, and would like to maintain, the cooperator flexibility currently built into the Block Management Program.*

PRELIMINARY